

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

United States Telephone Association Petition for)
Extension of Compliance Dated Under Section 107(c))
Of the Communications Assistance for Law Enforcement Act)
)
) CC Docket No. 97-213
Communications Assistance for Law Enforcement Act¹) DA 98-762
)
)

COMMENTS OF THE
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

The National Telephone Cooperative Association ("NTCA") submits the following comments in support of the above captioned petition of the United State Telephone Association ("USTA") and in response to the Commission's *Public Notice*, DA 98-762 released on April 20, 1998. USTA and various others have raised concerns about compliance with CALEA obligations, including the October 1998 compliance date. NTCA is a national association of approximately 500 local exchange carriers ("LECs"). These LECs provide telecommunications services to end users and interexchange carriers throughout rural America. NTCA's primary

¹ Petition for Rulemaking under Sections 107 and 109 of the Communications Assistance for Law Enforcement Act, filed by the Center for Democracy and Technology; Joint Petition for Expedited Rulemaking, filed by Federal Bureau of Investigation and U.S. Department of Justice; petition for Rulemaking, filed by Telecommunications Industry Association; Petition for rulemaking, filed by Cellular Telecommunications Industry Association; Petition for Extension of Compliance Date, filed by AT&T Wireless Services Inc., Lucent Technologies, Inc., and Ericsson Inc.; Joint Motion to Dismiss CTIA's July 16, 1997 Petition for Rulemaking, filed by Federal Bureau of Investigation and U.S. Department of Justice.

interest in this proceeding is to ensure that CALEA is implemented in such as way as to impose no undue burden on its members.

NTCA has been actively involved in CALEA's implementation. NTCA previously submitted its viewpoints to the Telecommunications Industry Liaison Unit of the Federal Bureau of Investigation and submitted comments and reply comments on behalf of its members in response to the Commission's Notice of Proposed Rulemaking in CC Docket No. 97-213. NTCA agrees with USTA and others that an October 25, 1998 compliance deadline is impossible.

As detailed in the various petitions and in the Commission's own public notice, there is tremendous uncertainty surrounding the interim standard and the capacity requirements. Petitions were filed by the Department of Justice and the FBI, and the Center for Democracy and Technology requesting the FCC to intervene in the implementation of CALEA. Until the Commission's proceedings are complete, the CALEA standards cannot be fully developed. Petitioners have convincingly argued that the hardware and software necessary for compliance are not yet commercially available and that it will be at least two years before manufacturers will be in a position to release a software package. This alone justifies an extension of the compliance deadline.

NTCA also supports USTA's position that an extension of time for compliance is necessary to avoid unfair enforcement actions. NTCA's members are small carriers using a wide variety of switches which may require upgrades that cannot be accomplished quickly or by the compliance date. It is patently unfair to force these carriers to defend enforcement actions for noncompliance when the industry has agreed to an interim standard, but is waiting for

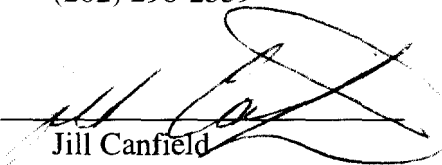
clarification and a Commission determination as to whether that standard is sufficient and while questions remain about the capacity requirements.

For the above stated reasons, NTCA urges the Commission to unilaterally extend the compliance deadline at least until such a time as technical standards are clearly established and the necessary technology is readily available and all issues regarding capacity requirements are resolved.

Respectfully submitted,

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May 8, 1998

CERTIFICATE OF SERVICE

I, Gail C. Malloy, certify that a copy of the foregoing Comments of the National Telephone Cooperative Association in CC Docket No. 97-213 was served on this 8th day of May 1998, by first-class, U.S. Mail, postage prepaid, to the following persons on the attached list:


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